

Message Text

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DRAFTED BY EUR/CAN:JHROUSE, JR.:JKB
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FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA NIACT IMMEDIATE

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E.O. 11652: GDS

TAGS: EFIS, CA

SUBJECT: INTERIM FISHERIES AGREEMENT WITH CANADA

1. FOLLOWING IS TEXT OF LETTERS CONCERNING PROBLEM AREAS OF INTERIM AGREEMENT, WHICH ARE TO BE EXCHANGED BETWEEN SPECIAL NEGOTIATORS CUTLER AND CADIEUX, IF CONGRESSIONAL AND FISHERIES SUPPORT IS OBTAINED FOR CUTLER PROPOSALS. CUTLER IS CONSULTING OVER WEEKEND. IF CONSULTATIONS ARE SUCCESSFUL, TEXT OF CUTLER LETTER SHOULD BE DELIVERED TO CADIEUX AT EXTERNAL AFFAIRS MORNING OF MONDAY, MAY 29, IN ORDER TO ENABLE GOC TO TABLE EXCHANGE OF LETTERS IN PARLIAMENT THAT AFTERNOON. DEPARTMENT WILL TELEPHONE EMBASSY MAY 29. CUTLER LETTER SHOULD NOT BE DELIVERED UNTIL DELIVERY AUTHORIZED BY PHONE. CADIEUX RESPONSE IS FYI ONLY.

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2. LETTER OF MARCEL CADIEUX (DATED MAY 28, 1978):

BEGIN TEXT:

DEAR MARCEL:

IN LIGHT OF THE CONCERNS THAT WE HAVE BOTH EXPRESSED

REGARDING THE IMPACT ON THE NEGOTIATIONS LEADING TO A LONG

TERM BOUNDARY AND RESOURCE ARRANGEMENT SHOULD THE INTERIM AGREEMENT NOT BE APPROVED BY BOTH GOVERNMENTS, I WOULD LIKE TO EXPRESS TO YOU WHAT I AM PERSONALLY PREPARED TO RECOMMEND TO MY GOVERNMENT:

1. THAT THE U.S. LEGISLATIVE PROCESS PROCEED AS RAPIDLY AS POSSIBLE, IN ORDER THAT THE TWO GOVERNMENTS CAN CONFIRM TO ONE ANOTHER THAT THE 1978 INTERIM AGREEMENT IS IN FORCE.

2. THAT MEANWHILE I UNDERTAKE CONSULTATIONS WITH THE LEGISLATIVE CHAIRMEN WITHIN THE NEXT FEW DAYS WITH A VIEW TO PERMITTING CANADIAN SALMON TROLLERS, SUBJECT TO THE CONTINUED CANADIAN CLOSURE OF SWIFTSURE BANK UNTIL JUNE 15, TO FISH IN U.S. WATERS, COMMENCING ON OR ABOUT JUNE 1, UNDER THE TERMS OF PARAGRAPHS 1 A, B, D, 3 AND 4 OF THE ANNEX TO THE 1978 INTERIM AGREEMENT.

3. IN THOSE CONSULTATIONS I WILL ADVISE THE LEGISLATIVE CHAIRMEN THAT:

-- (A) THE UNITED STATES INTERPRETS THE LEVEL OF EFFORT
-- PROVISIONS OF PARAGRAPH 3 OF THE ANNEX TO PERMIT
-- UP TO 3,000 FISHING DAYS FOR CANADIAN SALMON
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-- TROLLERS IN THE U.S. ZONE, AND WILL INSTRUCT ITS
-- ENFORCEMENT OFFICIALS ACCORDINGLY;

-- (B) THE UNITED STATES INTENDS TO PURSUE THE NEGOTIA-
-- TIONS REFERRED TO IN PARAGRAPH 2 OF THE ANNEX,
-- SO AS TO CONCLUDE A SALMON INTERCEPTION AGREEMENT
-- THIS YEAR TO BE IN PLACE FOR THE 1979 SEASON UNDER
-- WHICH BOTH COUNTRIES WILL ADOPT COORDINATED
-- REGULATIONS IMPOSING A 28 INCH CHINOOK SIZE LIMIT
-- ON THEIR RESPECTIVE FISHERMEN;

-- (C) IF A SALMON INTERCEPTION AGREEMENT IS NOT IN
-- PLACE FOR 1979, THE UNITED STATES INTENDS NOT TO
-- ENTER INTO AN INTERIM 1979 AGREEMENT APPLICABLE
-- TO SALMON UNLESS IT PROVIDES FOR SUCH A 28 INCH
-- LIMIT.

WHILE BOTH COUNTRIES ARE ENGAGED IN THE CURRENT NEGOTIA-
TIONS FOR A PERMANENT AGREEMENT ON BOUNDARIES AND
FISHERIES PROBLEMS, I WILL URGE THE APPROPRIATE AUTHORITIES
OF THE UNITED STATES TO CONSIDER SYMPATHETICALLY, WITHIN
THEIR POWER UNDER U.S. LAW, THE CANADIAN REQUEST TO TAKE

THE EARLIEST FEASIBLE ACTION TO ADOPT FISHERY MANAGEMENT
PLANS FOR SCALLOPS AND POLLOCK IN ICNAF AREA 5, AFTER
CONSULTATION WITH CANADA, SO AS TO ENSURE THE CONSIDERATION

AND PROPER MANAGEMENT OF THESE STOCKS, TAKING INTO
ACCOUNT THE JOINT FINDINGS OF THE SCIENTISTS OF THE TWO
COUNTRIES. I ALSO CONFIRM OUR COMMITMENT TO CONFER WITH
CANADA BEFORE FINAL ACTION IS TAKEN ON ANY FURTHER MANAGE-
MENT PLANS FOR COD AND HADDOCK.

I WILL ADVISE YOU PROMPTLY OF THE OUTCOME OF MY CONSULTA-
TIONS WITH THE LEGISLATIVE CHAIRMEN.

SINCERELY YOURS, LLOYD N. CUTLER.
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END TEXT.

3. LETTER FROM MARCEL CADIEUX TO LLOYD CUTLER

BEGIN TEXT:

DEAR LLOYD:

THIS WILL RECORD OUR UNDERSTANDING THAT YOU WILL PROCEED
WITH THE RECOMMENDATION TO THE LEGISLATIVE CHAIRMAN SET
OUT IN PARAGRAPH 2 IN YOUR LETTER OF MAY 28. IN THIS
CONNECTION, IT IS THE CANADIAN EXPECTATION THAT THE
PROVISIONS OF PARAGRAPHS 1 A, B AND D AND 3 AND 4 OF THE
ANNEX TO THE 1978 INTERIM AGREEMENT WILL BE FULLY
IMPLEMENTED AS OF JUNE 1 AT THE LATEST.

WITH REGARD TO PARAGRAPH 3 OF YOUR LETTER I HAVE TAKEN
NOTE OF THE UNITED STATES INTENTIONS RECORDED IN POINTS
B AND C. THESE STATEMENTS CANNOT OF COURSE BE CONSIDERED
BY THE CANADIAN GOVERNMENT AS PRECONDITIONS NOR CAN THEY
PREJUDICE THE OUTCOME OF THE NEGOTIATIONS CONCERNING A
SALMON INTERCEPTION AGREEMENT OR A FURTHER INTERIM
RECIPROCAL FISHERIES AGREEMENT FOR 1979. HOWEVER, IT
REMAINS THE FIRM INTENTION OF THE CANADIAN AUTHORITIES TO
MOVE RAPIDLY TOWARDS THE CONCLUSION OF A BALANCED AND
MUTUALLY ACCEPTABLE SALMON INTERCEPTION AGREEMENT WHICH
WILL INCLUDE PROVISION FOR COORDINATED TROLL REGULATION
SUCH AS A 28 INCH CHINOOK SIZE LIMIT.

WITH REGARD TO THE ATLANTIC COAST, WE UNDERSTAND THAT
YOU WILL URGE THE APPROPRIATE AUTHORITIES OF THE UNITED
STATES TO CONSIDER SYMPATHETICALLY TO THE FULL EXTENT
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WITHIN THEIR POWERS UNDER UNITED STATES LAW THE CANADIAN REQUEST TO TAKE DURING THE CURRENT FISHING SEASON, ACTION TO ADOPT FISHERY MANAGEMENT PLANS FOR SCALLOPS AND POLLOCK IN ICNAF AREA 5, AFTER CONSULTATION WITH CANADA, SO AS TO ENSURE THE CONSERVATION AND PROPER MANAGEMENT OF THESE

STOCKS, TAKING INTO ACCOUNT THE JOINT FINDINGS OF THE SCIENTISTS OF THE TWO COUNTRIES. I ALSO TAKE NOTE OF YOUR CONFIRMATION OF THE UNITED STATES COMMITMENT TO CONFER WITH CANADA BEFORE FINAL ACTION IS TAKEN ON ANY FURTHER MANAGEMENT PLANS FOR COD AND HADDOCK. BEARING IN MIND THE URGENT CONSERVATION NEEDS OF THE STOCKS, I MUST ADVISE YOU THAT IF STEPS ARE NOT TAKEN TO ENSURE THAT EFFECTIVE MEASURES FOR THE CURRENT FISHING SEASON ARE BEING TAKEN BY MID-JUNE THE GOVERNMENT OF CANADA WILL CONSIDER ITSELF FREE TO TAKE SUCH ACTION AS IT CONSIDERS APPROPRIATE IN ORDER TO MAINTAIN THE BALANCE OF FISHERIES INTERESTS BETWEEN THE TWO PARTIES.

I ASSUME THAT YOU WILL AGREE THAT CANADIAN MINISTERS WILL BE FREE TO TABLE THIS EXCHANGE OF CORRESPONDENCE IN PARLIAMENT AFTER 2:00 P.M., MONDAY, MAY 29.

YOURS SINCERELY, MARCEL CADIEUX.

END TEXT. VANCE

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